



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,051	10/07/2003	Simon Gibson	AOL0108	6023
22862 7590 08/10/2007 GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER MOUZON, LAJUANIA N	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/681,051	Applicant(s) GIBSON ET AL.	
	Examiner La Juania N. Mouzon	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/15/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's Amendment filed 6/15/2007.

Claims 1-43 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6/15/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. Applicant's amendments to the drawings filed on 6/15/2007, have been fully considered and are persuasive. The objections to the drawings have has been withdrawn.

Specification

4. Applicant's amendments to the specification filed on 6/15/2007, have been fully considered and are persuasive. The objections to the specification have has been withdrawn.

Claim Rejections - 35 USC § 112

5. Applicant's amendments to claim 11 filed on 6/15/2007, have been fully considered and are persuasive. The 112 2nd rejection to claim 11 have has been withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1, 2, 3, 5, 6, 8, 10-12, 14-18, 19, 21, 22, 24, 26-28, 30- 33, 36, 35, 38, and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farber et al. (US 6,185,598) in view of Lyer et al (US 7,058,706).

9. In regards to claim 1 Farber et al. discloses, a process implemented across a network for providing a link to a preferred mirror instance within a plurality of mirror instances of a content store (**col. 2 line(s) 55-60**), comprising the steps of:

- a. providing a server application (**Col. 5 line(s) 29-31, teaches the reflector as being the server application, on the origin server.**) at a web server (**Col. 4 line(s) 44-45, teaches the origin server being a web server.**) and a client application at a client terminal (**Col. 4 line(s) 50-53, teaches a web browser as the client application at the client terminal.**), wherein the server application and the client application are integrated to provide localization decisions invisibly to a user, and to provide links to localized content from the server application to the client application (**Col. 5 line(s) 3-17, teaches the server and client applications working together invisibly to the end user to provide links to the localized content.**);
- b. determining localization information for each mirrored instance of the content store to each network server from which users connect (**Col. 11 line(s) 4-58, teaches determining the localization information for each mirrored instance of the content store to each network that a users can connect to.**),
- c. storing the determined localization information (**Col. 11 line(s) 18-22, teaches whereas this information is stored in a table.**);
- d. receiving a request at the web server from a user at the client terminal, the request comprising that includes a link to mirrored content (**Col. 7 line(s) 17,**

teaches whereas the origin server (web server) receives a request for a link to the mirrored content from the client terminal.);

e. **dynamically generating a localized link to the determined preferred mirror instance through the server application at the web server (Col. 8 line(s) 22-25, teaches dynamically generating a link to the preferred mirror at the web server through the server application.);**

f. **and transmitting the localized link to the client terminal (Col. 8 line(s) 50-53, teaches transmitting the localized link to the client terminal.).**

10. Farber et al do not teach wherein the localization information comprises the number of hops and latency from each mirrored instance of the content store to each of the network servers and querying the localization database and applying a set of rules to the stored localization information through the server application at the web server to determine a preferred mirror instance for the client terminal, the rules comprising a function of the stored hop information and the stored latency information between each of the mirror instances and the client terminal.

11. In the same field of endeavor Lyer et al. teach gathering, storing, and querying a table, on a server, with localization information comprising of latency and number of hops to determine the closes content (mirror) server for the client terminal **(Col. 4 line(s) 50-67).**

12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al. optimized network resources location with Lyer et al. teaching as discussed above to allow for the capability of ~~for~~ directing ~~the~~ a client to the server that is "closest" to the client in latency.

13. In regards to claim 2 Farber et al. disclose, automatically directing the user to the local mirror instance when the user selects the localized link **(Col. 8 line(s) 50-53, teaches sending a redirecting command to automatically direct the user to the local mirror instance when selected.)**.

14. In regards to claims 3, 19, and 33 Farber et al do not disclose, wherein the function of the stored hop information and the stored latency information between each of the mirror instances and the client terminal comprises a determination of a mirror instance having the lowest number of hops.

15. In the same field of endeavor Lyer et al. teach a function wherein the stored hop and latency information between each of the content (mirror) servers and the client terminal comprises a determination of a mirror instance having the lowest number of hops **(Col. 5 line(s) 40-55)**.

16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al. optimized network resources location with Lyer et al. teaching as discussed above to allow for the capability of for

directing the a client to the server that is the closest to improve performance of the network.

17. In regards to claims 5 and 21 Farber et al. disclose, wherein the localization information further comprises a transmission cost for each mirrored instance of the content store to each network from which users connect **(Col. 13 line(s) 56-62, teaches whereas the localization information comprises a transmission cost.)**.

18. In regards to claims 6, 22, and 36 Farber et al. disclose, wherein the localization information further comprises mirror server load information **(Col. 12 line(s) 24-29, teaches whereas the localization information comprises load information)**.

19. In regards to claims 8, 24, and 38 Farber et al. disclose, wherein the localization information further comprises cost information **(Col. 11 line(s) 18-22, teaches whereas the localization information comprises cost information in the Link Cost Table.)**.

20. In regards to claims 10 and 26 Farber et al. disclose, wherein the localization information is stored in a database **(Col. 4 line(s) 16-19, teaches a database where the localization information is stored.)**.

21. In regards to claims 11 and 27 Farber et al disclose, wherein the localization information is stored at the web server **(Col. 7 line(s) 37-38, teaches whereas the localization information is stored at a web server.)**.

22. In regards to claims 12, 28, and 42 Farber et al. disclose, wherein the request comprises a web page (**Col. 8 line(s) 31-35, teaches a whereas the request is a web page.**)

23. In regards to claim 14 Farber et al. do not teach wherein the preferred mirror is further determined from the request IP address of the client terminal.

24. In the same field of endeavor Lyer et al. teach where in the server (preferred mirror) is chosen from using the request IP address of the client terminal (**Col. 3 line(s) 61-65**).

25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al. optimized network resources location with Lyer et al. teaching as discussed above to allow for the capability of ~~for~~ directing ~~the~~ a client to the server that is the closest to improve performance of the network.

26. In regards to claims 15 and 30 Farber et al. do not teach wherein the preferred mirror is further determined from the request IP network of the user.

27. In the same field of endeavor Lyer et al. teach where in the server (preferred mirror) is chosen from using the request IP network of the user (**Col. 3 line(s) 61-65**).

Art Unit: 2153

28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al. optimized network resources location with Lyer et al. teaching as discussed above to allow for the capability of ~~for~~ directing ~~the~~ a client to the server that is the closest to improve performance of the network.

29. In regards to claim 16 Farber et al. disclose, wherein the localized link comprises an HTTP link **(Col. 8 line(s) 31-35, teaches whereas the localized link is a HTTP link.)**.

30. In regards to claim 17 Farber et al. discloses, a process implemented across a network for providing a link to a preferred mirror instance within a plurality of mirror instances of a content store **(col. 2 line(s) 55-60)** comprising the steps of:

g. providing a server application **(Col. 5 line(s) 29-31, teaches the reflector as being the server application, on the origin server.)** at a web server **(Col. 4 line(s) 44-45, teaches the origin server being a web server.)** and a client application at a client terminal having a unique address **(Col. 4 line(s) 50-53, teaches a web browser as the client application at the client terminal having a unique address.)**, wherein the server application and the client application are integrated to provide localization decisions invisibly to a user, and to provide links to localized content from the server application to the client application **(Col. 5 line(s) 3-17, teaches the server and client applications**

working together invisibly to the end user to provide links to the localized content.);

h. determining localization information for each mirrored instance of the content store to each network server from which users connect **(Col. 11 line(s) 4-58, teaches determining the localization information for each mirrored instance of the content store to each network that a users can connect to.),**

i. storing the determined localization information **(Col. 11 line(s) 18-22, teaches whereas this information is stored in a table.);**

j. receiving a request at the web server from the client terminal the request comprising a link to the content store **(Col. 7 line(s) 17, teaches whereas the origin server receives a request for a link to the content store from the client terminal. As stated, in Col. 7 line 37-38 the reflector can take the place of the origin server);**

k. dynamically generating a localized link to the determined preferred mirror instance through the server application at the web server **(Col. 8 line(s) 22-25, teaches dynamically generating a link to the preferred mirror at the web server through the server application.);**

l. and transmitting the localized link to the user client terminal **(Col. 8 line(s) 50-53, teaches transmitting the localized link to the client terminal.).**

31. Farber et al. do not teach wherein the localization information comprises the number of hops and latency from each mirrored instance of the content store to each of

Art Unit: 2153

the network servers and querying the localization database and applying a set of rules to the stored localization information through the server application at the web server to determine a preferred mirror instance for the client terminal, the rules comprising a function of the stored hop information and the stored latency information, between each of the mirror instances and the unique address.

32. In the same field of endeavor Lyer et al. teach gathering, storing, and querying a table, on a server, with localization information comprising of latency, number of hops, and ip addresses (unique addresses) to determine the closes content (mirror) server for the client terminal **(Col. 4 line(s) 50-67)**.

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al. optimized network resources location with Lyer et al. teaching as discussed above to allow for the capability of ~~for~~ directing ~~the~~ a client to the server that is "closest" to the client in latency.

34. In regards to claim 18 Farber et al. discloses automatically directing the client user at the client terminal to the preferred mirror when the client user selects the localized link **(Col. 8 line(s) 50-53, teaches sending a redirecting command to automatically direct the user to the local mirror instance when selected.)**.

35. In regards to claim 31 Farber et al. discloses, a proximity resource allocation system for providing a link from any network server within a plurality of network servers

from which a user terminal having a unique address connects to a preferred mirror within a plurality of mirrors comprising a content store, comprising:

- m. a server application at a web server that is integrated with a client application at the user terminal to provide localization decisions invisibly to a user, and to provide links to localized content from the server application to the client application (**Col. 5 line(s) 3-17, teaches the server and client applications working together invisibly to the end user to provide links to the localized content from the server application to the client application.**);
- n. and a localization database comprising storage of localization information for each mirror of the content store to each of the network servers (**Col. 4 line(s) 16-19, teaches a database where the localization information is stored to each of the network servers.**),
- o. the server application for receiving a request at the web server from the user terminal, the request comprising a link to the content store (**Col. 7 line(s) 17, teaches whereas the origin server receives a request for a link to the mirrored content from the client terminal. As stated, in Col. 7 line(s) 37-38 the reflector can take the place of the origin server, and therefore the server application is receiving the request.**),
 - i. for dynamically generating a localized link to the determined preferred mirror through the server application at the web server (**Col. 8 line(s) 22-25, teaches dynamically generating a link to the preferred mirror at the web server through the server application.**),

Art Unit: 2153

- ii. and for transmitting the localized link to the user terminal (**Col. 8 line(s) 50-53, teaches transmitting the localized link to the user terminal.**).

36. Faber et al. do not teach wherein the localization information comprises the number of hops and latency from each of the plurality mirrors to each of the network servers and for querying the localization database and applying a set of rules to the stored localization information through the server application at the web server to determine a preferred mirror for the user terminal, wherein the determination is invisible to the user, the rules comprising a function of the stored hop information and the stored latency information between each of the mirrors and the unique address.

37. In the same field of endeavor Lyer et al. teach gathering, storing, and querying a table, on a server, with localization information comprising of latency, number of hops, and ip addresses (unique addresses) to determine the closes content (mirror) server for the user terminal wherein the determination is invisible to the user (**Col. 4 line(s) 50-67**).

38. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al. optimized network resources location with Lyer et al. teaching as discussed above to allow for the capability of ~~for~~ directing ~~the~~ a client to the server that is "closest" to the client in latency.

39. In regards to claim 32 Farber et al. disclose, further comprising: means to direct the user terminal to the preferred mirror upon a selection of the localized link (**Col. 8 line(s) 50-53, teaches means to direct the user terminal to the preferred mirror by sending a REDIRECT command.**).

40. In regards to claim 35 Farber et al. do not disclose, wherein the unique address comprises a terminal IP address.

41. In the same field of endeavor Lyer et al. teach wherein the unique address comprises a terminal IP address (**Col. 4 line(s) 50-67**).

42. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al. optimized network resources location with Lyer et al. teaching as discussed above to allow for the capability of ~~for~~ directing ~~the~~ each individual client to the server that is "closest" to the client in latency.

43. In regards to claim 40 Farber et al. do not disclose, wherein the localization information comprises a map of all IP address space within a global routing table.

44. In the same field of endeavor Lyer et al. teach wherein the localization information comprises a map of all IP address space within a global routing table (**Col. 4 line(s) 50-55**).

45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al. optimized network resources location with Lyer et al. teaching as discussed above to allow for the capability of ~~for~~ directing ~~the~~ a client to the server that is "closest" to the client in latency.

46. In regards to claim 41 Farber et al. do not disclose, wherein the localization information further comprises triangulation tests and performance tests of the networks.

47. In the same field of endeavor Lyer et al. teach using traceroute as a triangulation and performance test to include the results in a table of localization information. Therefore the localization information includes triangulation tests and performance tests of the networks.

48. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al. optimized network resources location with Lyer et al. teaching as discussed above to allow for the capability of gathering information for directing ~~the~~ a client to the server that is "closest" to the client.

49. Claims 7, 9, 13, 23, 25, 29, 37, 39, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farber et al. (US 6,185,598), in view of Lyer et al. (US 7,058,706) as applied to claims 1, 17, and 31 above, and further in view of Swildens et al. (US PGPub 2002/0052942).

50. In regards to claims 7, 23, and 37 the combined system of Farber et al. and Lye et al. fails to teach wherein the localization information further comprises mirror server operation information.

51. In the same field of endeavor Swildens et al. teach the collection of localization information that of which comprises the server (mirror server) health operation information (**¶0040**).

52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al optimized network resources location and Lye et al method and apparatus for determining latency between multiple servers and a client with Swildens et al. teaching as discussed above to allow for the capability of providing a content delivery and global traffic management network system that allows system administrators to collect traffic and server information.

53. In regards to claims 9, 25, and 39 the combined system of Farber et al. and Lye et al. fails to teach wherein the localization information further comprises network segment information.

54. In the same field of endeavor Swildens et al. teach the collection of localization information that of which comprises the network health (network segment) information (**¶0040**).

55. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al optimized network resources location and Lyer et al method and apparatus for determining latency between multiple servers and a client with Swildens et al. teaching as discussed above to allow for the capability of providing a content delivery and global traffic management network system that allows system administrators to collect traffic and server information.

56. In regards to claim 13 the combined system of Farber et al. and Lyer et al. fails to teach wherein the localized link is included within a webpage, and wherein the webpage is transmitted to the client terminal.

57. In the same field of endeavor Swildens et al. teach the webpage being sent to the client terminal and the link being included in the page. (**¶0041 - ¶0042**).

58. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al optimized network resources location and Lyer et al method and apparatus for determining latency between multiple servers and a client with Swildens et al. teaching as discussed above to allow for the

capability of having transmitting the webpage with the link to provide a solution for content routing and high availability delivery.

59. In regards to claims 29 and 43 the combined system of Farber et al. and Lyer et al. fails to teach wherein the localized link is included within a webpage, and wherein the webpage is transmitted to the user.

60. In the same field of endeavor Swildens et al. teach the webpage being sent to the user and the link being included in the page. (**¶0041 - ¶0042**).

61. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al optimized network resources location and Lyer et al method and apparatus for determining latency between multiple servers and a client with Swildens et al. teaching as discussed above to allow for the capability of having transmitting the webpage with the link to provide a solution for content routing and high availability delivery.

62. Claims 4, 20, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable Farber et al. (US 6,185,598), in view of Lyer et al. (US 7,058,706) as applied to claims 1, 17, and 31 above, and further in view of Johnson et al. (US 6,205,477).

Art Unit: 2153

63. In regards to claims 4, 20, and 34 the combined system of Farber et al. and Lyer et al. fails to teach wherein the function of the stored hop information and the stored latency information between each of the mirror instances and the client terminal comprises a determination of one or more mirror instances having the lowest number of hops, and in the case of a tie, the preferred mirror instance additionally comprises the lowest latency.

64. In the same field of endeavor Johnson et al. teach a system for redirecting traffic among a number of servers in which when selecting the best server of using the number of hops is tied with another server then a second metric is used (**Col. 4 line(s) 61-67 – Col. 5 line(s) 1-15**). This second metric could be a variety of any system or network metrics that are gathered by the distributed director, which would obviously include the metric of latency (**Col. 5 line(s) 39-44**).

65. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farber et al optimized network resources location and Lyer et al method and apparatus for determining latency between multiple servers and a client with Johnson et al. teaching as discussed above to allow for redirecting the client to the “best” server when the distance to a plurality of servers are the same, to distribute the traffic appropriately.

Response to Arguments

66. Applicant's arguments, see pgs. 4-11, filed 6/15/2007, with respect to the rejection(s) of claim(s) 1, 2, 5, 6, 8, 10-12, 16-18, 21, 22, 24, 26-28, 31, 32, 36, 38, and 42 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Farber et al. (US 6,185,598) and in view of Lyer et al (US 7,058,706).

67. Applicant's arguments, see pgs. 11-24, filed 6/15/2007, with respect to the rejection(s) of claim(s) 3, 19, and 33 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Farber et al. (US 6,185,598) and in view of Lyer et al (US 7,058,706).

68. Applicant's arguments, see pg. 11-24, filed 6/15/2007, with respect to the rejection(s) of claim(s) 4, 20, and 34 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Farber et al. (US 6,185,598) and in view of Lyer et al (US 7,058,706).

Art Unit: 2153

69. Applicant's arguments with respect to claims 7, 9, 23, 25, 37, 39, 40, and 41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

70. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zisapel et al (US 6,665,702) load balancing.

71. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00.

Art Unit: 2153

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNМ



VALENCIA MARTIN-WALLACE
PRIMARY EXAMINER